

1 AN ACT relating to missing and unidentified persons.

2 WHEREAS, the National Missing and Unidentified Persons System (NamUs) is a  
3 national centralized repository and resource center for missing, unidentified, and  
4 unclaimed person cases across the United States; and

5 WHEREAS, in 2022, the United States Congress passed Billy's Law, which  
6 requires local law enforcement agencies to report missing children case information to  
7 NamUs; and

8 WHEREAS, the Commonwealth of Kentucky wishes to align its missing person  
9 reporting requirements with Billy's Law by requiring local law enforcement agencies to  
10 report information to NamUs;

11 NOW, THEREFORE,

12 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

13 ➔Section 1. KRS 15.440 is amended to read as follows:

14 (1) Each unit of government that meets the following requirements shall be eligible to  
15 share in the distribution of funds from the Law Enforcement Foundation Program  
16 fund:

17 (a) Employs one (1) or more police officers;

18 (b) Pays every police officer at least the minimum federal wage;

19 (c) Requires all police officers to have, at a minimum, a high school degree, or its  
20 equivalent as determined by the council, except that each police officer  
21 employed prior to the date on which the officer's police department was  
22 included as a participant under KRS 15.410 to 15.510 shall be deemed to have  
23 met the requirements of this subsection;

24 (d) 1. Requires all police officers to successfully complete a basic training  
25 course of nine hundred twenty-eight (928) hours' duration within one (1)  
26 year of the date of employment at a school certified or recognized by the  
27 council, which may provide a different number of hours of instruction as

1 established in this paragraph, except that each police officer employed  
2 prior to the date on which the officer's police department was included  
3 as a participant under KRS 15.410 to 15.510 shall be deemed to have  
4 met the requirements of this subsection.

5 2. As the exclusive method by which the number of hours required for  
6 basic training courses shall be modified from that which is specifically  
7 established by this paragraph, the council may, by the promulgation of  
8 administrative regulations in accordance with~~[the provisions of]~~ KRS  
9 Chapter 13A, explicitly set the exact number of hours for basic training  
10 at a number different from nine hundred twenty-eight (928) hours based  
11 upon a training curriculum approved by the Kentucky Law Enforcement  
12 Council as determined by a validated job task analysis.

13 3. If the council sets an exact number of hours different from nine hundred  
14 twenty-eight (928) in an administrative regulation as provided by this  
15 paragraph, it shall not further change the number of hours required for  
16 basic training without promulgating administrative regulations in  
17 accordance with~~[the provisions of]~~ KRS Chapter 13A.

18 4. ~~[Nothing in ]~~This paragraph shall ***not*** be interpreted to prevent the  
19 council, pursuant to its authority under KRS 15.330, from approving  
20 training schools with a curriculum requiring attendance of a number of  
21 hours that exceeds nine hundred twenty-eight (928) hours or the number  
22 of hours established in an administrative regulation as provided by  
23 subparagraphs 2. and 3. of this paragraph. However, the training  
24 programs and schools for the basic training of law enforcement  
25 personnel conducted by the department pursuant to KRS 15A.070 shall  
26 not contain a curriculum that requires attendance of a number of hours  
27 for basic training that is different from nine hundred twenty-eight (928)

1 hours or the number of hours established in an administrative regulation  
2 promulgated by the council in accordance with~~pursuant to the~~  
3 ~~provisions of~~ KRS Chapter 13A as provided by subparagraphs 2. and 3.  
4 of this paragraph.

- 5 5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph  
6 to the contrary notwithstanding, the council may, through the  
7 promulgation of administrative regulations in accordance with KRS  
8 Chapter 13A, approve basic training credit for:
- 9 a. Years of service credit as a law enforcement officer with previous  
10 service in another state; and
  - 11 b. Basic training completed in another state.
- 12 6. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph  
13 to the contrary notwithstanding, the council may, through the  
14 promulgation of administrative regulations in accordance with KRS  
15 Chapter 13A, approve basic training credit for:
- 16 a. Completion of eight hundred forty-eight (848) hours of training at  
17 a school established pursuant to KRS 15A.070;
  - 18 b. A minimum of fifteen (15) years of experience as a certified law  
19 enforcement instructor at a school established pursuant to KRS  
20 15A.070;
  - 21 c. Completion of an average of forty (40) hours of Kentucky Law  
22 Enforcement Council approved in-service training annually from  
23 January 1, 1997, through January 1, 2020;
  - 24 d. Three (3) years of active, full-time service as a:
    - 25 i. City, county, urban-county, charter county, consolidated  
26 local, or unified local government police officer;
    - 27 ii. Sheriff's deputy, excluding special deputies appointed under

- 1 KRS 70.045;
- 2 iii. Department of Kentucky State Police officer; or
- 3 iv. Kentucky Department of Fish and Wildlife Resources game
- 4 warden exercising peace officer powers under KRS 150.090;
- 5 and
- 6 e. Completion of the:
- 7 i. Twenty-four (24) hour legal update Penal Code course;
- 8 ii. Sixteen (16) hour legal update constitutional procedure
- 9 course; and
- 10 iii. Forty (40) hour basic officer skills course within one (1) year
- 11 prior to applying for certification;
- 12 (e) Requires all police officers to successfully complete each calendar year an in-
- 13 service training course, appropriate to the officer's rank and responsibility and
- 14 the size and location of the officer's police department, of forty (40) hours'
- 15 duration, at a school certified or recognized by the council which may include
- 16 a four (4) hour course which meets the requirements of paragraph ~~{(j)}~~ of this
- 17 subsection. This in-service training requirement shall be waived for the period
- 18 of time that a peace officer is serving on active duty in the United States
- 19 Armed Forces. This waiver shall be retroactive for peace officers from the
- 20 date of September 11, 2001;
- 21 (f) Complies with all provisions of law applicable to police officers or police
- 22 departments, including transmission of data to the centralized criminal history
- 23 record information system as required by KRS 17.150 and transmission of
- 24 reports as required by KRS 15.391;
- 25 (g) Complies with all rules and regulations, appropriate to the size and location of
- 26 the police department issued by the cabinet to facilitate the administration of
- 27 the fund and further the purposes of KRS 15.410 to 15.510;

- 1 (h) Possesses a written policy and procedures manual related to domestic violence  
2 for law enforcement agencies that has been approved by the cabinet. The  
3 policy shall comply with the provisions of KRS 403.715 to 403.785. The  
4 policy shall include:
- 5 1. A purpose statement;
  - 6 2. Definitions;
  - 7 3. Supervisory responsibilities;
  - 8 4. Procedures for twenty-four (24) hour access to protective orders;
  - 9 5. Procedures for enforcement of court orders or relief when protective  
10 orders are violated;
  - 11 6. Procedures for timely and contemporaneous reporting of adult abuse and  
12 domestic violence to the Cabinet for Health and Family Services,  
13 Department for Community Based Services; victim rights, assistance,  
14 and service responsibilities; and
  - 15 7. Duties related to timely completion of records;
- 16 (i) Possesses by January 1, 2023, a written policy and procedures manual related  
17 to sexual assault examinations that meets the standards provided by, and has  
18 been approved by, the cabinet, and which includes:
- 19 1. A requirement that evidence collected as a result of an examination  
20 performed under KRS 216B.400 be taken into custody within five (5)  
21 days of notice from the collecting facility that the evidence is available  
22 for retrieval;
  - 23 2. A requirement that evidence received from a collecting facility relating  
24 to an incident which occurred outside the jurisdiction of the police  
25 department be transmitted to a police department with jurisdiction  
26 within ten (10) days of its receipt by the police department;
  - 27 3. A requirement that all evidence retrieved from a collecting facility under

1           this paragraph be transmitted to the Department of Kentucky State  
2           Police forensic laboratory within thirty (30) days of its receipt by the  
3           police department;

4           4. A requirement that a suspect standard, if available, be transmitted to the  
5           Department of Kentucky State Police forensic laboratory with the  
6           evidence received from a collecting facility;

7           5. A process for notifying the victim from whom the evidence was  
8           collected of the progress of the testing, whether the testing resulted in a  
9           match to other DNA samples, and if the evidence is to be destroyed. The  
10          policy may include provisions for delaying notice until a suspect is  
11          apprehended or the office of the Commonwealth's attorney consents to  
12          the notification, but shall not automatically require the disclosure of the  
13          identity of any person to whom the evidence matched; and

14          6. A requirement that DNA samples collected as a result of an examination  
15          performed under KRS 216B.400 that are voluntarily submitted solely for  
16          elimination purposes shall not be checked against any DNA index,  
17          retained, or included in any DNA index;~~and~~

18          (j) Requires all police officers to successfully complete by December 31, 2022,  
19          and every two (2) years thereafter, a training course certified by the council of  
20          not less than four (4) hours in emergency vehicle operation; and

21          (k) Possesses a written policy and procedures manual related to submission of  
22          information to the National Missing and Unidentified Persons System,  
23          known as NamUs. The policy shall require the local police department to  
24          enter missing and unidentified persons case information into NamUs after  
25          it has been entered into the National Crime Information Center or NCIC.  
26          The manual shall not relieve the local police department from other duties  
27          relating to missing persons and shall be in addition to those duties. The

1 information shall be entered into NamUs according to the following  
2 criteria:

3 1. Within seventy-two (72) hours of entry into NCIC:

4 a. When there is reasonable indication or suspicion that a person  
5 under twenty-one (21) years of age has been abducted or is  
6 missing under circumstances suggesting foul play or a threat to  
7 life as indicated by an NCIC Missing Person code of Child  
8 Abduction; or

9 b. When an AMBER Alert has been activated as indicated by an  
10 NCIC Missing Person code of AMBER Alert;

11 2. Within thirty (30) days of entry into NCIC:

12 a. When a missing person alert other than an AMBER Alert has  
13 been activated;

14 b. For a person of any age who is missing under circumstances  
15 indicating that his or her physical safety may be in danger as  
16 indicated by an NCIC Message Key of Endangered; or

17 c. For a person of any age who is missing under circumstances  
18 indicating that the disappearance may not have been voluntary  
19 as indicated by an NCIC Message Key of Involuntary; and

20 3. Within sixty (60) days of entry into NCIC for all other active,  
21 noncanceled missing person cases and unidentified person cases that  
22 do not meet the criteria set forth in subparagraphs 1. and 2. of this  
23 paragraph.

24 (2) A unit of government which meets the criteria of this section shall be eligible to  
25 continue sharing in the distribution of funds from the Law Enforcement Foundation  
26 Program fund only if the police department of the unit of government remains in  
27 compliance with the requirements of this section.

1 (3) Deputies employed by a sheriff's office shall be eligible to participate in the  
2 distribution of funds from the Law Enforcement Foundation Program fund  
3 regardless of participation by the sheriff.

4 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection  
5 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis  
6 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a  
7 criminal action.